

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JASON PAUL CHESTER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 2:24-cv-00674-LK

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. Plaintiff Jason Paul Chester, who is proceeding pro se and in forma pauperis, filed his complaint on May 13, 2024. Dkt. Nos. 1, 5. In the intervening months, Mr. Chester has filed praecipes to issue summons three times, Dkt. Nos. 7, 9, 11, each of which has been deficient, *see* Dkt. Nos. 8, 10, 12. Most recently, in October 2024, the Clerk of the Court notified Mr. Chester that his proposed summons was in the wrong format and deficient in two sections. Dkt. No. 12 at 1. The Clerk provided instructions on what information must be included in the two deficient sections, *id.*, but Mr. Chester did not respond, nor has he filed a corrected summons or proof of service. Defendant has not appeared, and Mr. Chester has not filed anything since August 26, 2024. Dkt. No. 11.

1 Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within
2 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against
3 that defendant or order that service be made within a specified time.” In addition, plaintiffs have a
4 general duty to prosecute their claims, *see Fid. Phila. Tr. Co. v. Pioche Mines Consol., Inc.*, 587
5 F.2d 27, 29 (9th Cir. 1978), and they fail to fulfill this duty when they do not litigate their case,
6 *see, e.g., Spesock v. U.S. Bank, NA*, No. C18-0092-JLR, 2018 WL 5825439, at *3 (W.D. Wash.
7 Nov. 7, 2018). “[T]o prevent undue delays in the disposition of pending cases and to avoid
8 congestion in the calendars of the District Courts,” federal courts may exercise their inherent power
9 to dismiss a case sua sponte for failure to prosecute. *Link v. Wabash R. Co.*, 370 U.S. 626, 629–31
10 (1962); *see also, e.g., Ville v. Meridian at Stone Creek Assisted Living*, No. C17-913-MJP, 2017
11 WL 4700340, at *1 (W.D. Wash. Oct. 19, 2017). More than 90 days have passed since the
12 complaint was docketed, Dkt. No. 6, and there is no indication that Mr. Chester has served the
13 Defendant or taken any steps to pursue this case in the past eight months.

14 The Court thus ORDERS Mr. Chester to show cause why the case should not be dismissed
15 for failure to prosecute and failure to serve within 21 days of this Order. Failure to respond will
16 result in dismissal of the case.

17 Dated this 1st day of May, 2025.

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Lauren King
20 United States District Judge
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